

**TENNESSEE BOARD FOR LICENSED PROFESSIONAL COUNSELORS,
MARITAL AND FAMILY THERAPISTS, AND
CLINICAL PASTORAL THERAPISTS**

DATE: June 3, 2016

TIME: 9:00 a.m.

LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Susan Hammonds-White, Ed.D. LPC, President
Howard Nelson, Ph.D., LPC, LPCT
Kimberly Speakman, LPC

BOARD MEMBERS

ABSENT: Bradley Bull, Ph.D., LMFT
Jennifer Little, Citizen Member

STAFF PRESENT: Teddy Wilkins, Unit Director
Vanessa Hayes, Board Administrator
Todd Pinckley, Advisory Attorney

Dr. Hammonds-White called the meeting to order at 9:16 a.m. A roll call was conducted and a quorum was present.

Minutes

Upon review of the March 4, 2016 minutes Dr. Hammonds-White requested that page two, under SB1556/HB1840, be amended to state that the proposed bill would direct the Board to disregard the section of the American Counseling Association Code regarding referral of patients.

Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the minutes with the change requested by Dr. Hammonds-White. The motion carried.

Office of General Counsel Report

Mr. Pinckley stated as of June 1, 2016 there are six (6) cases against licensees, five (5) of which will be resolved at today's meeting by either a Consent Order or Agreed Order.

Mr. Pinckley said OGC is adopting a uniform rule pertaining to the fees a failed to renew licensee must pay in order to reinstate their license for all Health Related Boards.

Mr. Pinckley said Mr. Ben Simpson, Legislative Liaison, is here to discuss legislation.

Mr. Simpson stated Public Chapter 763 affects all Health Related Boards and permits licensees whose licenses have expired due to non-payment to reinstate their license upon payment of past renewal fees, which is capped at twice the amount of the renewal fee, and who have obtained the required continuing education and becomes effective July 1, 2016.

Mr. Simpson said Public Chapter 990 requires a health insurance entity to provide coverage for healthcare services provided during a telehealth encounter for treatment of an insured patient outside the geographic area where the patient is located and becomes effective January 1, 2017.

Mr. Simpson said Public Chapter 955 authorizes the Board to issue a temporary license to a Clinical Pastoral Therapist applicant to practice under the supervision of an approved supervisor, who has completed the academic course work and supervised clinical experience. Mr. Simpson said in order for the Clinical Pastoral Therapist to retain the temporary license he/she must take the written examination required by the Board the first time it is scheduled following issuance of the temporary license, unless granted an extension by the Board after submitting a written request to the Board and making a showing of good cause, as determined by the Board, became effective April 27, 2016.

Mr. Simpson said Public Chapter 926 allows counselors or therapists providing services to be required to counsel or serve a client as to goals, outcomes, or behaviors that conflict with the sincerely held principles of the counselor or therapists, provided the counselor or therapist coordinates a referral of the client to another counselor or therapist who will provide the services; however it shall not apply to a counselor or therapist when an individual seeking or undergoing counseling is in imminent danger of harming themselves or others became effective April 27, 2016.

Dr. Hammonds-White stated she has grave concerns over the department not taking a stand on Public Chapter 926.

Ms. Wilkins stated that most of the laws are on the book and they will be updating the rules and application for Clinical Pastoral Therapists.

Ms. Speakman asked if they will be required to have a rule change on Public Chapter 926.

Mr. Pinckley stated no as the statute takes precedence over the rules.

Consent Orders

Mr. Pinckley presented the following Consent Orders to the Board:

Pamela Williams, LPC, allowed her health to interfere with her ability to practice without monitoring her effectiveness. Mr. Pinckley said Ms. Williams has agreed to a reprimand, evaluation by TCAF, pay a \$400 civil penalty and up to \$1,000 in costs.

Dr. Hammonds-White stated they discussed having a licensed professional to be involved in assessing. Mr. Pinckley stated he would contact Dr. Brian Wind to ask if an LPC would be involved in the assessment. Ms. Speakman asked if an RFP has gone out to obtain bids for colleague assistance to healthcare providers. Mr. Pinckley said that has not gone out but will find out if an RFP is being prepared. Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the Consent Order.

Kyle Turner, L.P.C., committed sexual misconduct. Mr. Pinckley said Mr. Turner's license is suspended until receiving TCAF recommendation to return to practice, then be on a three (3) year probation with supervision, or longer, depending on his monitoring agreement.

Ms. Dorroh stated she is familiar with these types of orders and when their office receives a report from TCAF they can have a Board consultant review the report.

Upon discussion, Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the Consent Order. The motion carried.

David Saunders, working on a work permit for LMFT, engaged in fraudulent billing totaling \$6,270, which he did refund. Mr. Pinckley said Mr. Saunders agreed to a six (6) month suspension of his licensed followed by a two (2) year probation. Mr. Pinckley said Mr. Saunders temporary license may lapse before he completes his probation and he has stated he does not intend to pursue licensure.

Dr. Nelson made a motion, seconded by Ms. Speakman, to approve the Consent Order. The motion carried.

John Arias, LPC, committed conflicts of interests with multiple patients. Mr. Pinckley said Mr. Arias' license will be suspended until receiving a TCAF recommendation for him to return to practice and be placed on a three (3) year probation, or longer, depending on his monitoring agreement.

Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the Consent Order. The motion carried.

Rose Gamble, LPC, entered into a dual relationship with a former client. Mr. Pinckley said Ms. Gamble will receive a reprimand, pay a \$500 civil penalty and enroll and complete a Vanderbilt boundaries course taught by William Swiggart.

Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the Consent Order. The motion carried.

Investigations

Ms. Dorroh stated there is one (1) complaint in their office against a Certified Marital and Family Therapist; seven (7) complaints against Licensed Professional Counselors; and seven (7) against Licensed Marital and Family Therapists.

Ms. Dorroh stated they are currently monitoring one (1) practitioner and the six (6) Consent Orders approved by the Board today will be added to the list.

Administrative Report

Mr. Hill stated there are 1898 Licensed Professional Counselors, 1633 Licensed Professional Counselors with Mental Health Service Provider designation; and, 272 Licensed Professional Counselors as approved supervisors.

Mr. Hill said there are 24 Licensed Clinical Pastoral Therapists and 533 Licensed Marital and Family Therapists.

Mr. Hill said as of March 2016 the Board licensed 38 Licensed Professional Counselors and issued 17 temporary licenses.

Mr. Hill said as of March 2016, 198 Licensed Professional Counselors renewed their licenses with 116 renewing online for a percentage rate of 59%. Mr. Hill said 8 Licensed Professional Counselors retired their licenses and 10 licenses expired.

Mr. Hill said as of March 2016 the Board licensed 18 Marital and Family Therapists. Mr. Hill said 58 Licensed Marital and Family Therapists renewed their licenses with 34 renewing online for a percentage rate of 59%. Mr. Hill said 2 Licensed Marital and Family Therapists retired their licenses and 9 licenses expired.

Mr. Hill said no Pastoral Therapists were licensed and no temporary licenses were issued. Mr. Hill said 4 Licensed Pastoral Therapists renewed their licenses and none were renewed online.

Mr. Hill stated the next Board Meeting will be September 2, 2016 and the last meeting for the year will be December 2, 2016.

Mr. Hill said the 2017 Board Meeting dates have been scheduled as follows:

March 3, 2017

June 2, 2017

September 8, 2017

December 1, 2017

Mr. Hill reviewed the conflict of interest policy statement which all Board members have signed.

Ms. Wilkins introduced Vanessa Hayes who will be the new Board Administrator. Ms. Wilkins said Mr. Hill is now the Psychology Board Administrator as well as the Administrator for Licensed Behavior Analysts.

The Board stated they appreciated all of James hard work and have enjoyed working with him.

The Board also welcomed Ms. Hayes as the new Board Administrator.

Financial Report

Mr. Butch Jack reviewed the Financial Report stating there were payroll expenditures of \$61,143.34; total other expenditures of \$15,236.49; for total direct expenditures of \$76,379.83.

Mr. Jack said there were total allocated expenditures of \$54,832.93; total expenditures of \$131,212.76; board fee revenue of \$141,396.50; current year net of \$10,183.74 and a cumulative carryover of \$726,606.

Ms. Wilkins stated that Mr. Hill informed her that the Board did not have a contested case hearing this year and there should not be a fee for a court reporter. Mr. Jack stated he would review that section of the report and contact Ms. Wilkins. Ms. Speakman asked if the numbers reflected the fee reduction. Mr. Jack stated it reflects a fee reduction for half of the year.

Review Applications

The Board began reviewing the application of **Debbie Waddell, LPC/MHSP** and decided to review it at the end of the meeting.

Dr. Hammonds-White stated that education and experience is wonderful, however, the Board doesn't have the ability to waive educational requirements.

The Board reviewed correspondence from **Dukens Eliacin, MFT** who had a temporary permit in Tennessee that was revoked.

Ms. Wilkins said Mr. Eliacin submitted a formal application as a Marital and Family Therapist, currently resides in Florida, and is unable to appear in person but is available via telephone.

Mr. Pinckley said Mr. Eliacin entered into a consent order several years ago and agreed to the revocation of his temporary permit and stated he had no intentions of pursuing licensure in Florida.

Mr. Pinckley said since that time Mr. Eliacin decided to seek licensure in Florida and the Florida Board is asking if the Tennessee Board will approve him to sit for the exam before approving him for licensure in Florida.

Ms. Speakman stated the Board asked that a letter be sent to Florida to inform them what happened in Tennessee.

Ms. Wilkins said Mr. Eliacin is seeking licensure in Florida and is requesting that Tennessee allow him to sit for the AMFT RB exam.

Mr. Hill said Florida will not allow him to take the exam due to the revocation of his temporary license.

Dr. Hammonds-White said when the Board agreed to the order it was with the understanding that Mr. Eliacin would not seek licensure.

Ms. Speakman asked what would be the recommendation if they denied his request to sit for the exam.

Upon review of the Consent Order which revoked his license it states that he could not reapply for licensure for two (2) years and that the Board has the authority to deny his application.

Mr. Pinckley said the Board has the authority to deny Mr. Eliacin's application.

Dr. Hammonds-White said her inclination is to deny his application as he stated that he is not going to apply for licensure.

Mr. Pinckley said the Board has the authority to review all the materials and deny the application based on the statute.

Upon discussion, Dr. Nelson made a motion, seconded by Ms. Speakman, to deny Mr. Eliacin's application based on the consent order and documents contained in his file. The motion carried.

The Board reviewed the application for **Sherri Henderson, LPC** which contained documentation regarding her criminal background check.

Dr. Hammonds-White said it appears all of the charges are over ten years with the exception of one charge in 2014.

Upon discussion, Dr. Nelson made a motion, seconded by Ms. Speakman, to approve Ms. Henderson's application for licensure. The motion carried.

The Board reviewed the application of **Debbie Waddell, LPC/MHSP**.

Dr. Hammonds-White stated the Board and other members of the staff have reviewed Ms. Waddell's application extensively.

Ms. Speakman said based on what they reviewed the course titled Exceptional Child is a course on special education and not abnormal psychology; the treatment team and planning requirement courses titled Occupational Psychology and Counseling Theories and Techniques do not meet the requirements; the ethics courses submitted titled Clinical Consultation and Assessment in Counseling do not appear to be ethical courses; and, the courses titled Assessments in Counseling does not meet the DSM requirements. Ms. Speakman said they are unable to accept the application at this time.

Ms. Waddell said that based on the coursework she submitted and being licensed in Alabama for ten (10) years she was hoping it would be considered. Ms. Waddell said she was hopeful the courses would be counted. Ms. Waddell asked if she could work under supervision until she completed the required coursework.

Dr. Hammonds-White said she could apply for a temporary license but would have to have completed the courses prior to being issued a temporary license.

Mr. Hill asked if the Board was going to allow Ms. Waddell to withdraw her application.

Dr. Nelson made a motion, seconded by Ms. Speakman, that Ms. Waddell be allowed to withdraw her application for licensure in order to complete the required coursework.

Newly Licensed

Dr. Nelson made a motion, seconded by Ms. Speakman, to approve the following Professional Counselors for licensure:

**Hannah Dawes Bennington
Merritt Kathryn Bonnette
Courtney A. Brandon
Henry M. Bransford, Jr.
Christina G. Buckner
Megan B. Bunniran
Whitney Rebecca Cater
Angela M. Hines Childers
Amber J. Cox
Michelle L. Coyne
Nancy Cross
Leslie Susan Davis
Helen Do
Jennifer G. Ferren
Jill Campbell Flowers
Duana E. Francis
Gretchen Fromke
Katherine Gilliard
Christopher Paul Harris**

**Lauren Michelle Herman
Melanie R. Hicks
Jennifer Lee Hintz
Trent W. Hughes
Aimee Leigh Isenberg
Brittney Corral King
Hannan R. Kleiner
Jodi R. Makela
Lisa L. Hamilton May
Julia Lynn Mobiglia
John F. Nichols
Chasity S. Norris
Douglas Ribeiro
Kyle Rigsby
Deborah N. Sindle
Nicole Rene Smith
Janis K. Stone
Michael C. Van Camp
Vonda Karla Wagner**

The motion carried.

Dr. Nelson made a motion, seconded by Ms. Speakman, to approve the following Marital and Family Therapists for licensure.

**Julia Margarita Bernard
Molly Bonner
Ashley E. Coble
Katherine H. Crouse
Joanna Dixon
Brittany Ann Hepperly
Jasmine J. Jno Baptiste
Anna Claire Lowder**

**Sheila A. Marczak
Vanessa Mcelreath
Lindsay R. Minton
Sarah Rodgers
Tyler A. Rogers
Sara Root
Daniel L. Stewart
Myra Smith Wilkinson**

The motion carried.

Reinstated

Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the following Licensed Professional Counselors for reinstatement:

Jerry Martin
Mary E. McWillie
Jonathan D. Morgan
Mark Rehm
Connie Ward

The motion carried.

Dr. Nelson made a motion, seconded by Ms. Speakman, to approve the following Licensed Marital and Family Therapists for reinstatement:

Roberta Jan Brownlee
Douglas Wenrich

The motion carried.

Temporary Licenses

Ms. Speakman made a motion, seconded by Dr. Nelson, to approve the following Temporary Professional Counselors licenses:

Charlotte Marie Archuletta
Lona Gray Bailey
Lucretia M. Bennett
Chelsey Lynn Birch
Christina Ann Call
Paula Johnson Clark
Pamela T. Crudup-Arata
Laura Ceclia Deneen
Fredrick Gillam, Jr.
Katherine A. Gustafson

Veronica Denise Hurd
Danielle C. Jackson
Karen Nicole Kearby
Cory Clyde Koester
Jeremy R. Miller
Sarah Janese Norris
Stephen J. Parham
Jenna Leigh Toops
Sabina Waksmunclzki
Ann C. Wheeler

The motion carried.

Dr. Nelson made a motion, seconded by Ms. Speakman, to approve the following Temporary Marital and Family Therapists licenses:

Krystal Alexander

Kaylyn Faith Harris

**Lindsey Castleman
Meredith J. Darroch
Amanda Ellingsen
Blair Falconello**

**Kristen N. Maloney
Jonathan Philip Moore
Alan C. Pennington**

The motion carried.

Correspondence

The Board reviewed a letter from **Kyle Chappel**, requesting approval to be supervised by live video conferencing, to obtain the required hours of supervision for licensure, as he is located in McKenzie and be supervised by LPC/MHSP located in Cookeville. Mr. Chappel said the drive from McKenzie to Cookeville is six (6) hours round trip and would be a hardship.

Ms. Speakman made a motion, seconded by Dr. Nelson, to grant Mr. Chappel's request and inform him that the hours of supervision are 150 hours and not 1500 hours as stated in his letter and that he needs to make sure he has an approved supervisor who meets the HIPAA requirements.

The Board reviewed a letter from **Andrea Pizzano, MFT Temporary License** requesting an extension of her license in order to sit for the written exam.

The Board requested that a letter be sent to Ms. Pizzano stating temporary licenses cannot be extended; however, she can continue to work under supervision and sit for the written exam.

The Board reviewed a letter from **Cammie Walters-Carlson** asking if she can count hours of counseling and Neurofeedback for supervision.

The Board requested that a letter be sent to Ms. Walters-Carlson stating she could count the actual counseling hours but not Neurofeedback, make sure her supervisor has fulfilled the requirements for providing supervision, and submit a request for temporary licensure as a professional counselor with mental health service provider designation.

The Board reviewed a letter from **Cassandra Mondragon, M.Ed.**, requesting approval to be supervised via Telehealth as traveling between Chattanooga and Nashville would be a hardship.

The Board requested that a letter be sent to Ms. Mondragon requesting that she make sure the supervisor is an approved supervisor and meets HIPAA requirements.

The Board reviewed a letter from **Cheryl King LMFT applicant** requesting to take the written exam via proctor as she lives and works in Colorado and traveling to Tennessee would be a costly hardship.

Ms. Wilkins stated the Board could have a proctor in Nashville and Colorado to make sure the exam is being taken correctly and require the proctors to submit affidavits to that effect.

The Board requested that a letter be sent to Ms. King allowing her to take the written exam in Colorado provided that there are proctors in Nashville and Colorado to assure the exam is being taken correctly and require the proctors to submit affidavits to that effect.

The Board reviewed a letter from **Erik Carlton MFT Temporary License No. 1253**, regarding a problem his employer is having obtaining contracts with insurance companies to bill for his services.

The Board requested that a letter be sent to Mr. Carlton stating that many insurance companies have issues with allowing billing under a temporary license but are unable to provide a solution.

The Board reviewed a letter from **Erin Bush** asking if an adventure therapy concentration as an addition to her current CACREP program will be approved by the Board. Ms. Bush is also asking if she can begin working in Tennessee, on a part-time basis, even though she has not graduated.

The Board requested that a letter be sent to Ms. Bush informing her that the adventure therapy program is an issue she needs to take up with her school and suggest she review the internship requirements as stated in the statute. The Board asked to include in the letter that Ms. Bush cannot obtain supervision hours on a part-time basis until after graduation.

The Board reviewed a letter from **Jamie Staggs, LPC/MHSP applicant** requesting approval to be supervised by live video conferencing, to obtain the required hours of supervision for licensure, as he is located in Lawrenceburg and supervised by an LPC/MHSP located in Nashville. Ms. Staggs said the drive from Lawrenceburg to Nashville would be a hardship.

The Board requested that a letter be sent to Ms. Staggs that she needs to make sure she has an approved supervisor who meets the HIPAA requirements.

The Board reviewed a letter from **Joseph A. Kemper, Ph.D., LCPT** requesting authorization to be a Board approved supervisor and approval of a program that will assist ministers to attain the coursework necessary to sit for the LCPT examination.

The Board determined they are unable to answer Dr. Kemper's request at this time as there are no rules regarding qualifications for licensure in place at this time.

The Board reviewed a letter from **Thomas W. Clawson, Ed.D, NBCC**, requesting that the Board conduct an annual Board meeting that coincides with their symposium to allow licensees to see their possible benefits of becoming NBCC members.

The Board took no action on the correspondence.

The Board reviewed a letter from **Shelly Steel, LMFT**, requesting clarification involving supervisors and supervision of those seeking licensure in which there are conflicting opinions on what constitutes a clinical hour.

Dr. Wilson approached the podium stating he is an approved supervisor and is concerned that the rules require twelve (12) contact hours rather than twelve (12) clock hours.

Ms. Wilkins stated that Rule 0450-01-.01(12) states client contact hour which is a 50 minute period a counselor or therapist spends working with an individual, family or group.

The Board requested that a letter be sent to Ms. Steel quoting that section of the rule pertaining to contact hours.

Discuss Public Chapter 955

Mr. Pinckley stated due to Public Chapter 955 the rules need to be amended and the Board needs to vote on conducting a rulemaking hearing.

Ms. Speakman made a motion, seconded by Dr. Nelson, to have Mr. Pinckley prepare the rule amendment and conduct a rulemaking hearing. The motion carried.

Policy on Lapsed License

Mr. Pinckley stated that OGC prepared a basic lapsed license policy which is a more uniform policy pertaining to all Boards.

Dr. Nelson made a motion, seconded by Ms. Speakman, to adopt the Lapsed License Policy as presented. The motion carried.

Discuss Other Board Business

Dr. Hammonds-White stated that she and Ms. Speakman attended the NBCC Conference in Virginia. Dr. Hammonds-White stated it was a very informative conference and they received a lot of good information regarding telehealth.

Ms. Speakman stated there were 34 states represented at the Conference and it was interesting as to how similar and different licensure was in other states.

Dr. Hammonds-White stated her term on the Board is ending and it may be her last meeting. Dr. Hammonds-White said it has been a pleasure servicing on the Board and thanked the other Board members who serve.

Dr. Hammonds-White asked Dr. Wilson if he were on the Telemedicine Committee. Dr. Wilson stated that he, Robin Lee, John Kennedy, Richard Gillespie and Diane Bradley and the previous Board attorney were on the committee. Ms. Wilkins asked to be looped in the discussions on telehealth. Dr. Hammonds-White said it is crucial that we get telehealth initiated. Ms. Wilkins said the Board has the statutory authority to practice telehealth. Dr. Hammonds-White asked that the rules not be written too specifically. Dr. Hammonds-White said Dr. Robin Lee has been appointed to a five (5) year term to the CACREP Board and appreciates everything she has done for the Board and the profession. Dr. Hammonds-White said Dr. Lee has been an extraordinary

advocate for the Board and rulemaking over the last ten years. Ms. Speakman and Dr. Nelson agreed with Dr. Hammonds-White.

Ms. Speakman stated that she hopes this is not Dr. Hammonds-White last meeting as she has been a mentor to her and it has been an honor to serve with Dr. Hammonds-White. Dr. Nelson said he has enjoyed working with Dr. Hammonds-White and has been impressed with her since attending her training at Argosy. Ms. Speakman said she hope Dr. Hammonds-White will continue to work with the Board. Ms. Wilkins said over the last three (3) years, they have traveled together and worked together on several projects and hopes Dr. Hammonds-White continues on the Board.

Mr. Hill requested clarification on submitting the name of a supervisor with a temporary license. Once they get the information to complete their file he is receiving names of multiple supervisors. Dr. Hammonds-White stated that any time a supervisor is added, or changed; the Board needs to be notified in writing. Ms. Speakman stated she is in the process of drafting a policy on the supervisor's credentialing and hopes to have it ready for the next Board meeting.

Upon discussion, Ms. Wilkins asked that this be tabled until the next meeting in order for staff to research supervisory requirements from other Boards.

With no other Board business to conduct, Dr. Nelson made a motion, seconded by Ms. Speakman, to adjourn at 12:35 p.m. The motion carried.